

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF OPTOMETRISTS

---

IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OF

MICHAEL FEINSTEIN, O.D.  
LICENSE NO. 27OA 00386700

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

---

:  
:  
:  
:  
:  
: Administrative Action  
:  
: FINAL ORDER  
: OF DISCIPLINE  
:  
:  
:

This matter came before the New Jersey State Board of Optometrists upon information that the respondent has failed to complete fifty (50) credits of continuing education in approved optometry courses during the period of May 1, 2003 to April 30, 2005, as required for the 2005-2007 biennial license renewal pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On April 28, 2005 the respondent returned his completed application for renewal of license as an optometrist in the State of New Jersey. (Exhibit A, a copy of the renewal application is attached and made a part hereto.) and

3. The respondent affirmed on the renewal application for the 2005- 2007 renewal period that he will have completed the required continuing education by the period preceding the established renewal date of April 30, 2005.

4. On the 30<sup>th</sup> day of June, 2005, the Board of Optometrists initiated a random audit of renewal applications for the 2005-2007 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifty (50) credit approved hours which includes twenty-five (25) credits in general optometric education and twenty-five (25) credits in courses or programs classified as therapeutic pharmaceutical agents (“TPA”).

5. On or about August 16, 2005 Respondent submitted his Continuing Education Tracking Form with a letter that supports that he had not attained all of the 50 requisite continuing education credits by April 30, 2005 as required for renewal of his license to practice optometry. The documentation supported attainment of forty (40) continuing education credits within the April 30, 2005 time period. (Exhibit B is a copy of the Respondent’s letter attached to and made a part hereof.).

#### CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-

7.3 with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent attested to the completion of fifty (50) continuing education credits by April 30, 2005 on the biennial renewal application but has submitted information indicating that he failed to obtain ten (10) of the requisite continuing education credits required for renewal of his license to practice optometry. Therefore, respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(b) in that he has engaged in the use or employment of dishonesty, deception or misrepresentation, which constitutes grounds for the suspension or revocation of any certificate, registration or license, and grounds for sanctions pursuant to N.J.S.A. 45:1-25.

**THEREFORE, IT IS ON THIS 19th DAY OF April, 2006,**

**ORDERED:**

1. Respondent remitted payment in full of the a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) pursuant to N.J.S.A. 45:1-25. This amount consisted of \$500.00 for violation of N.J.S.A. 45:12-9.3, N.J.A.C. 13:38-7.3 and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements and \$1000 for violation of N.J.A.C. 45:1-21(b) for falsely affirming on the license renewal application that the continuing education credits were completed in full in the specified time frame.


2. Respondent submitted proofs of having completed the requisite fifty (50) hours of

continuing education credits upon submission of additional proofs supporting the completion of ten (10) continuing education credits. **These continuing education credits are NOT to be used to renew respondent's license for the 2005-2007 renewal period.**

3. Respondent's license to practice optometry is active and shall not be suspended, by operation of this order as he has submitted satisfactory proofs that he has fully complied with all continuing education requirements.

NEW JERSEY STATE BOARD  
OF OPTOMETRISTS

By:

  
\_\_\_\_\_  
Mitchell Fink, O.D.  
President